HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal (C) No. 1020/2007

APPELLANT — Nakulram, S/o Pusau Gond, Aged about 50 years, R/o Village Bazarkurredeehe, Tahsil Nagri, Distt. Dhamtari (Chhattisgarh)

versus

RESPONDENTS

1. Balbeer Singh, S/o Hari Singh, Aged about 38 years,
2. Dhaniram, S/o Parasram Netam, Aged about 32 years.
   Both R/o Village Kukrel, Teh. Nagri, Distt. Dhamtari.
3. The Oriental Insurance Co. Ltd., Aadersh Bal Mandir Road, Behind Amar Talkies, Dhamtari, Distt. Dhamtari (C.G.)

Miscellaneous Appeal Under Section 173 of Motor Vehicles Act

Present : Shri Vimlesh Bajpai, counsel for the appellant.

ORAL ORDER
(Passed on 11th September, 2007)

Heard on I.A. No. 1 for condonation of delay in filing the appeal.

For the reasons mentioned in the application it is allowed and the delay in filing the appeal is condoned.

Heard on admission.

The appellant is aggrieved by an award dated 28.03.2007 passed by the Motor Accidents Claims Tribunal, Dhamtari (hereinafter referred to as "the MACT") in Claim Case No.115/2006

(20)

whereby compensation of Rs.25,000/- was awarded in case of grievous injury suffered by the appellant/claimant in the right ankle joint.

A perusal of para 12 of the impugned award clearly goes to show that the evidence of the treating Doctor was not adduced. Dr. V.K. Pandey who certified the extent of permanent disability suffered by the appellant/claimant at 20% admitted that the appellant/claimant had approached him 2 years after the accident. No documentary proof was adduced relating to the treatment undertaken or the expenses incurred by the claimant.

In this view of the matter, compensation of Rs.25,000/- awarded by the MACT is just and reasonable compensation. No ground for interference in the impugned award is called for.

In the result, the appeal is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr